

REMARKS

Claim 1 is pending in the application. Claim 1 is rejected under 35 U.S.C. §102(e). Claim 1 is further rejected under 35 U.S.C. §102(b). Applicant amended claim 1 as indicated above. Further, Applicant added claims 2-16 and hence claims 1-16 are pending in the application. Applicant respectfully traverses these rejections for at least the reasons stated below and respectfully requests that the Examiner reconsiders and withdraws these rejections.

I. REJECTIONS UNDER 35 U.S.C. §102(e):

The Examiner has rejected claim 1 as being anticipated by Grundstrom et al. (U.S. Patent No. 6,628,781) (hereinafter "Grundstrom"). Applicant respectfully traverses this rejection for at least the reasons stated below and respectfully requests the Examiner to reconsider and withdraw this rejection.

As stated above, for a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. § 2131.

Applicant respectfully asserts that Grundstrom does not disclose "wherein the near endpoint analysis filter bank estimates power in the plurality of near endpoint subband signals" as recited in claim 1. Thus, Grundstrom does not disclose all of the limitations of claim 1, and thus Grundstrom does not anticipate claim 1. M.P.E.P. §2131.

Applicant further asserts that Grundstrom does not disclose "wherein the far endpoint analysis filter bank estimates power in the plurality of far endpoint subband signals" as recited in claim 1. Thus, Grundstrom does not disclose all of the limitations of claim 1, and thus Grundstrom does not anticipate claim 1. M.P.E.P. §2131.

Applicant further asserts that Grundstrom does not disclose "logic for determining whether the estimated power in the plurality of far and near endpoint

subband signals exceeds the background noise by a predefined threshold" as recited in claim 1. Thus, Grundstrom does not disclose all of the limitations of claim 1, and thus Grundstrom does not anticipate claim 1. M.P.E.P. §2131.

Applicant further asserts that Grundstrom does not disclose "wherein if the estimated power in the plurality of far and near endpoint subband signals exceeds the background noise by the predefined threshold, then a counter is set to allow a speech activity indicator to hangover for a period of time" as recited in claim 1. Thus, Grundstrom does not disclose all of the limitations of claim 1, and thus Grundstrom does not anticipate claim 1. M.P.E.P. §2131.

Claims 2-14 each recite combinations of features including the above combinations, and thus are not anticipated for at least the above-stated reasons. Claims 2-14 recite additional features, which, in combination with the features of the claims upon which they depend, are not anticipated by Grundstrom.

Applicant further asserts that Grundstrom does not disclose any of the limitations recited in claims 2-14.

Applicant further asserts that Grundstrom does not disclose "estimating power in said first plurality and in said second plurality of subband signals" as recited in claim 15 and similarly in claim 16. Thus, Grundstrom does not disclose all of the limitations of claims 15 and 16, and thus Grundstrom does not anticipate claims 15 and 16. M.P.E.P. §2131.

Applicant further asserts that Grundstrom does not disclose "determining whether the estimated power in the first and second plurality of subband signals exceeds the background noise by a predefined threshold" as recited in claim 15 and similarly in claim 16. Thus, Grundstrom does not disclose all of the limitations of claims 15 and 16, and thus Grundstrom does not anticipate claims 15 and 16. M.P.E.P. §2131.

Applicant further asserts that Grundstrom does not disclose "wherein if the estimated power in the first and second plurality of subband signals exceeds the background noise by the predefined threshold, then a counter is set to allow a speech activity indicator to hangover for a period of time" as recited in claim 15 and similarly in claim 16. Thus, Grundstrom does not disclose all of the limitations of claims 15 and 16, and thus Grundstrom does not anticipate claims 15 and 16. M.P.E.P. §2131.

As a result of the foregoing, Applicant respectfully asserts that not each and every claim limitation was found within Grundstrom and thus claims 1-16 are not anticipated by Grundstrom.

II. REJECTIONS UNDER 35 U.S.C. §102(b):

The Examiner has rejected claim 1 as being anticipated by Allen et al. (U.S. Patent No. 5,485,515) (hereinafter "Allen"). Applicant respectfully traverses this rejection for at least the reasons stated below and respectfully requests the Examiner to reconsider and withdraw this rejection.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. § 2131.

Applicant respectfully asserts that Allen does not disclose "wherein the near endpoint analysis filter bank estimates power in the plurality of near endpoint subband signals" as recited in claim 1. Thus, Allen does not disclose all of the limitations of claim 1, and thus Allen does not anticipate claim 1. M.P.E.P. §2131.

Applicant further asserts that Allen does not disclose "a far endpoint analysis filter bank operable to divide a far endpoint signal into a plurality of far endpoint subband signals" as recited in claim 1. Thus, Allen does not disclose all of the limitations of claim 1, and thus Allen does not anticipate claim 1. M.P.E.P. §2131.

Applicant further asserts that Allen does not disclose "wherein the far endpoint analysis filter bank estimates power in the plurality of far endpoint subband signals" as recited in claim 1. Thus, Allen does not disclose all of the limitations of claim 1, and thus Allen does not anticipate claim 1. M.P.E.P. §2131.

Applicant further asserts that Allen does not disclose "logic for determining whether the estimated power in the plurality of far and near endpoint subband signals exceeds the background noise by a predefined threshold" as recited in claim 1. Thus, Allen does not disclose all of the limitations of claim 1, and thus Allen does not anticipate claim 1. M.P.E.P. §2131.

Applicant further asserts that Allen does not disclose "wherein if the estimated power in the plurality of far and near endpoint subband signals exceeds the background noise by the predefined threshold, then a counter is set to allow a speech activity indicator to hangover for a period of time" as recited in claim 1. Thus, Allen does not disclose all of the limitations of claim 1, and thus Allen does not anticipate claim 1. M.P.E.P. §2131.

Claims 2-14 each recite combinations of features including the above combinations, and thus are not anticipated for at least the above-stated reasons. Claims 2-14 recite additional features, which, in combination with the features of the claims upon which they depend, are not anticipated by Allen.

Applicant further asserts that Allen does not disclose any of the limitations recited in claims 2-14.

Applicant further asserts that Allen does not disclose "dividing a speaker output signal into a second plurality of subband signals" as recited in claim 15 and similarly in claim 16. Thus, Allen does not disclose all of the limitations of claims 15 and 16, and thus Allen does not anticipate claims 15 and 16. M.P.E.P. §2131.

Applicant further asserts that Allen does not disclose "estimating power in said first plurality and in said second plurality of subband signals" as recited in claim

15 and similarly in claim 16. Thus, Allen does not disclose all of the limitations of claims 15 and 16, and thus Allen does not anticipate claims 15 and 16. M.P.E.P. §2131.

Applicant further asserts that Allen does not disclose "determining whether the estimated power in the first and second plurality of subband signals exceeds the background noise by a predefined threshold" as recited in claim 15 and similarly in claim 16. Thus, Allen does not disclose all of the limitations of claims 15 and 16, and thus Allen does not anticipate claims 15 and 16. M.P.E.P. §2131.

Applicant further asserts that Allen does not disclose "wherein if the estimated power in the first and second plurality of subband signals exceeds the background noise by the predefined threshold, then a counter is set to allow a speech activity indicator to hangover for a period of time" as recited in claim 15 and similarly in claim 16. Thus, Allen does not disclose all of the limitations of claims 15 and 16, and thus Allen does not anticipate claims 15 and 16. M.P.E.P. §2131.

As a result of the foregoing, Applicant respectfully asserts that not each and every claim limitation was found within Allen and thus claims 1-16 are not anticipated by Allen.

III. CONCLUSION

As a result of the foregoing, it is asserted by Applicant that claims 1-16 in the Application are in condition for allowance, and Applicant respectfully requests an allowance of such claims. Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Although new Claims were added, they are not in excess of the claims allowed with the initial filing, it is believed that no additional filing fees are due. However, Applicants respectfully request a One (1) Month Extension of Time to File this Response up to and including April 16, 2005. Enclosed with this report is Form PTO/SB/22 with Extension Fees in the amount of \$60.00 as reflected on the PTO/SB/17 Fee Transmittal. The Director is hereby authorized to charge any fees other than an issue fee or credit any overpayment to Deposit Account Number 23-2426 of WINSTEAD SECHREST & MINICK P.C.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicant

Date: April 18, 2005

By: _____



Ruben C. DeLeon
Reg. No. 37,812
Robert A. Voigt, Jr.
Reg. No. 47,159

P.O. Box 50784
Dallas, Texas 75201
Telephone: (512) 370-2832
Facsimile: (214) 745-5390